

## **REMARKS**

The basis for the amendments to claims 9 and 16 can be found in claim 10, and also in the original PCT description at page 25, paragraph 2.

The feature of dynamically adjusting respective buffer depths for each of the classes for queuing data packets is not disclosed in any of the cited documents. Therefore, claims 9 and 16 are novel.

This feature is not suggested or hinted at – therefore, the claims are not obvious. In fact, U.S. Patent No. 6,317,416 to Giroux teaches against modification towards the present invention by providing an alternative solution to a similar problem, which would mean that a skilled person would not look to implement the system of the present invention. Giroux, in claim 1, states that weights used by the weighted fair queue scheduler are modified dynamically so as to cause buffer queue size to move toward a predetermined target value, i.e., traffic flow is manipulated so that buffer queues move towards a desired size. This is in total contrast to the alternative approach of the present invention in which buffer size (buffer depth) is dynamically changed according to measured traffic, i.e., instead of traffic flow being manipulated/redirected, the buffer depth is dynamically varied according to where the traffic is.

On this basis, the present invention is not obvious over Giroux when combined with any of the other cited prior art (in which this feature is also not disclosed). Giroux teaches against this feature since varying buffer depth would be pointless once it was decided to reorganize traffic.

Petition is hereby made for a two-month extension of the period to respond to the outstanding Official Action to June 10, 2008. A check in the amount of \$460.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with

the filing of this response, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, an early action on the merits is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

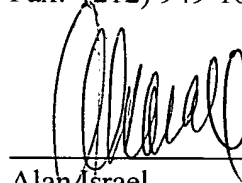
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A handwritten signature in black ink, appearing to read "Alan Israel", is written over a horizontal line.

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